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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,651	08/19/2002	Ing Carl Kramer	SCHWP0158US	9221

7590 07/28/2004

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EXAMINER

MORILLO, JANEL COMBS

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/070,651	Applicant(s) KRAMER, ING CARL	
	Examiner Janelle Combs-Morillo	Art Unit 1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
     4a) Of the above claim(s) 1-6 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 7-16 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 7-16 are objected to because of the following informalities: Claim 7 line 2 states "billet of – when hot shears are used – rod portion". The examiner is unable to determine the meaning of said statement (are words missing in place of "-"?). Additionally, claims 8 and 9 contain an identical phrase. Claim 15 line 2 mentions "characterized in that – for short times per billet – at least two cooling devices", wherein the examiner is unable to determine the meaning of said statement (are words missing in place of "-"?). Claims dependent on the above objected claims are likewise objected to. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-11 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biswas et al (US 5,802,905) in view of EP 696707 (EP'707).

Biswas teaches a device for treating metal extrusion billets (abstract) by a first heating device comprising a furnace heated by gas or electricity, a storage device to keep billets at a temperature equal to or slightly higher than the extrusion temperature, a cooling device (column 2 lines 32-38) with jets operable individually or in groups at different pressures and operating times (column 2 line 38, column 3 lines 37-42), and a transporting means to move the billets

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from the furnace to the cooling device (column 4 lines 26-28). Biswas does not mention said heating device uses gas burner flames.

However, EP'707 teaches that a gas regenerative burner flame means is a useful for heating furnaces to high temperatures (column 2 lines 15-16) in an efficient manner (column 2 lines 41-42) and with minimal heat loss (column 7 line 9). It would have been obvious to one of ordinary skill in the art to use a gas regenerative burner flame means, substantially as taught by EP'707, for the initial heating means of the extrusion billet taught by Biswas, because EP'707 teaches that said means is useful for heating to high temperatures with minimal heat loss.

Concerning claims 8, 11, 14-16, as stated above, Biswas teaches cooling device comprising nozzles, operable for different times, temperatures, and pressures.

Concerning claims 9 and 10, as stated above, EP'707 teaches the use of recuperation burners substantially as presently claimed.

4. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biswas and EP'707 in view of Bessey et al (US 4,825,677).

Neither Biswas nor EP'707 teach a clamping means for said extrusion billet. However, Bessey teaches clamping can be used to transfer members from heating to cooling devices (column 4 lines 22-25, column 11 lines 30-43). It would have been obvious to one of ordinary skill in the art to use a clamping means, substantially as presently claimed, in the device for pretreating extrusion billets taught by Biswas and EP'707, because Bessey teaches said clamping can be used to transfer members from heating to cooling devices (column 4 lines 22-25, column 11 lines 30-43).


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***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle Combs-Morillo whose telephone number is (571) 272-1240. The examiner can normally be reached on 8:30 am- 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GEORGE WYSZOMIERSKI  
PRIMARY EXAMINER

  
JCM  
July 23, 2004